

DRAWING AMENDMENTS

The attached sheet of drawings includes more formal versions of Figs. 16A, 16B, 17A, 17B, 18 and 19. No changes were made to the above-identified figures.

Attachments: Replacement Sheet

REMARKS

Reconsideration of the application is requested.

Claims 1-26 are now in the application. Claims 1-3, 12, 15, 16, 18-22, 24 and 25 are subject to examination and claims 4-11, 13, 14, 17 and 23 have been withdrawn from examination. Claims 1 and 25 have been amended. Claim 26 has been added.

Under the heading "Election/Restrictions" on pages 2-3 of the above-identified Office Action, the Examiner asks that Applicant affirm its provisional election. Applicant hereby affirms its election of claims 1-3, 12, 15-16, 18-22 and 24-25.

Under the heading "Claim Rejections - 35 USC § 112" on pages 3-4 of the above-identified Office Action, claim 25 has been rejected as being indefinite under 35 U.S.C. § 112, first and second paragraphs.

More specifically, the Examiner states that it is unclear how the fold prevents engagement of the corner with the corner of an adjacent nested liner and additionally the terminology "radially inward" is challenged.

The users of the original stack-a-sack concept, as protected in U.S. Patent No. 6,102,239, complained that when they

pulled the filled first liner to empty the garbage receptacle, the next or second liner would stick to the first liner (e.g. garbage bag) that was being removed. Multiple solutions to this problem were tested. For instance, white powder was sprinkled between the liners to reduce the stickiness problem and let the first liner slip out without taking the next liner with it. This solution worked but the white powder ended up on the hands and clothing of the user and therefore proved unsatisfactory.

A satisfactory result was obtained by folding over a portion of the nested liners and then stacking the nested liners with the folded portions. For instance, the corners were inwardly folded and then the liners with the folded corners are stacked next to each other. The folded corners create an air gap between the liners in an area where an unfolded corner would have occupied resulting in better separation between the liners. The sticky factor between the liners is almost eliminated with this solution without incurring the additional cost of introducing an additional material (e.g. white powder). It is noted that any part of the liners can be folded and that the corners are merely exemplary.

Turning now to the issue of the "radial" fold. It is noted that the terminology "radial" has been deleted from the claim language.

It is accordingly believed that claim 25 meets the requirements of 35 U.S.C. § 112, first and second paragraphs. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections - 35 USC § 103" on pages 4-7 of the above-identified Office Action, claims 1-3, 12, 15-16, 18-20, 22 and 24 have been rejected as being obvious over U.S. Patent No. 6,102,239 to Wien (hereinafter Wien) in view of either U.S. Patent No. 5,133,607 to Bonke (hereinafter Bonk) or U.S. Patent No. 6,019,244 to Jones (hereinafter Jones) under 35 U.S.C. § 103.

The rejection has been noted and claim 1 has been amended in an effort to even more clearly define the invention of the instant application. More specifically claim 1 has been amended to recite "each of said nested liners having a bottom portion inwardly folded for preventing engagement of said bottom portion with a bottom portion of an adjacent nested liner". Support for the change is found on page 10, lines 21-23 and as shown in Figs. 16A and 16B of the specification of the instant application.

The folded bottom portion, such as a corner, solves the stickiness issue discussed above leading to an improved material packing system. The feature of a folded bottom portion is not believed to be taught in the prior art of Wien, Bonke or Jones and therefore, amended claim 1 of the instant application is believed to be allowable.

In addition, new claim 26 has been added and recites that all four corners are folded. Support for claim 26 is found on page 10, lines 25-27 of the specification of the instant application. Please find enclosed a credit card authorization for \$25.00 for the additional dependent claim.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

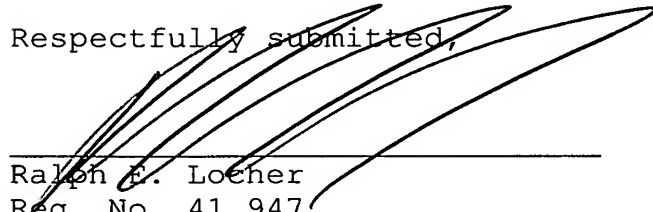
In view of the foregoing, reconsideration and allowance of claims 1-26 are solicited.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith

should be charged to the Deposit Account of Lerner and
Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner
and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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